

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MICHAEL F. ERALI,)
Plaintiff)
)
v.) C.A. NO. 04-30241-MAP
)
TOWN OF ORANGE,)
Defendant)

MEMORANDUM AND ORDER REGARDING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
(Docket No. 15)

May 15, 2006

PONSOR, D.J.

Counsel for Plaintiff and for Defendant Town of Orange appeared for argument on Defendant's Motion for Summary Judgment on May 12, 2006. The motion is hereby DENIED, for reasons set forth in detail at the conclusion of the argument. In summary, the court finds that the facts, viewed in the light most favorable to Plaintiff, while they may not be in all respects overwhelming, are sufficient to entitle Plaintiff to jury consideration.

Counsel are ordered to confer regarding future proceedings in this case, and counsel for Defendant is given the responsibility to draft a joint report to be filed no later than June 12, 2006, setting forth the parties' proposal as to future proceedings.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR

U. S. District Judge